

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

DECEMBER 9, 1987

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Richard Sklar
President
Recyclene Products, Inc.
405 Eccles Avenue, South
San Francisco, CA 94080

Dear Mr. Sklar

This is in response to your letter of November 13, 1987, in which you requested clarification of the RCRA small quantity hazardous waste generator regulations. In the example you give, generators of less than 100 kilograms of non-acutely hazardous waste per month recycle their own solvents on-site and thereby produce distillation bottoms. The regulatory status of such generators is determined by 40 CFR Section 261.5(a) and (d)(2). A generator who treats or reclaims on-site need not count the treatment residues, so long as the original waste (in this case the spent solvents) is counted once. Therefore, if a generator produces less than 100 kilograms of non-acutely hazardous waste per month, he may reclaim it on-site and would remain conditionally exempt under Section 261.5.

Generators of less than 100 kilograms of non-acutely hazardous waste per month have a number of options for disposal of their hazardous waste. According to 40 CFR 261.5(g)(3), a conditionally small quantity generator (SQG) may either treat, store, or dispose of the waste at an on-site or off-site facility licensed, permitted or otherwise approved by a State to manage municipal or industrial solid waste. Recycling facilities may also receive waste from conditionally exempt SQG's. These management options exist for any conditionally exempt SQG's hazardous waste, including residue generated from solvent recycling operations.

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Although the Federal regulations allow a conditionally exempt SQG to send waste to a State-approved solid waste facility, some States have stricter requirements for generators of less than 100 kilograms of non-acutely hazardous waste per month. The conditionally exempt SQG should check with the State to see if any additional requirements apply.

Finally, as a side note, you mention in your letter that the sludge produced in your solvent recovery distillation unit is generally dry and passes the paint filter liquids test. However, it is confusing as how your sludge is tested. You state that the “sludge... passes the paint filter test since the sludge is contained in a plastic bag or liner...” I would like to clarify that the waste itself is to be tested in the Paint Filter test; testing of a liquid waste contained in a bag would pass the test, but it would be obvious that the waste is a liquid.

If you have further questions in this area contact Mike Petruska at (202) 475-8551.

Sincerely,

Marcia E. Williams
Director
Office of Solid Waste

RECYCLENE PRODUCTS, INC.

November 13, 1987

Marcia Williams
Director
Office of Solid Waste
U.S. EPA (WH-562)
401 M Street, S.W.
Washington, D.C. 20460

Dear Ms. William:

Following up on conversations with Ron McHugh and Mike Petruska of your office we wish to pose the following question and request an interpretative letter as a response.

“Is it not correct that under Federal EPA rules generators of less than 100 kilograms of non-acutely hazardous waste per month (“conditionally exempt small quantity generators”) who recycle waste solvents on site for their own continued reuse may dispose of the sludge from such solvent distillation by sending it to a landfill or other facility approved by the state for industrial and municipal wastes”?

We are manufacturers of small solvent recovery distillation units as shown in the attached literature. Sludge produced in our units is generally dry and passes the paint filter test since the sludge is contained in a plastic bag or liner and therefore need not remain liquid for purposes of ease in clean up.

The rule as we understand it and for which we wish to receive an interpretative letter is an intelligent one and has encouraged many small generators to recycle and thus minimize the hazardous waste they generate. Additionally it has proven economically sound to small generators since they are recapturing a very valuable commodity at far less than the cost of purchasing new and losing the solvent either by disposal in landfill or through incineration.

Furthermore, the low costs and ease of on site reclamation have encouraged many generators who formerly, illegally and inappropriately, disposed of waste solvents to now recycle and minimize their waste in an environmentally and economically sound manner.

Yours very truly,

Richard Sklar
President

RS:ml
Enc.
cc: Mike Petruska

